

Notice of Allowability

Application No.

09/777,243

Examiner

Fred M Teskin

Applicant(s)

OLSON ET AL.

Art Unit

1713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to AMENDMENT OF MARCH 18, 2004.
2. ☒ The allowed claim(s) is/are 18-39.
3. ☒ The drawings filed on 18 March 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Examiner's Amendment/Comment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the paragraph inserted in the specification per page 2 of the Amendment dated March 18, 2004, final line: patent number "6,445,644" has been corrected to read – 6,455,644 --.

Claim 18 (Original), line 6: "fluidized" has been changed to – fluid --.

The number of the patent issued on applicants' parent application has been corrected in accordance with Office records and claim 18 has been amended to secure consistency with the earlier recitation of "fluid recycle" (*cf.*, line 3).

Reasons For Allowance

The following is an examiner's statement of reasons for allowance: The primary reason for allowing the claims is that no prior art has been found which teaches or fairly suggests the instantly claimed methods, including the steps of:

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“continuously or intermittently monitoring the amount of liquid in said product discharge tank, and ... diverting liquid from said fluid[ized] recycle to a point higher than said product discharge conduit in said bed in amounts effective for maintaining said quantity of liquid below said predetermined limit in said product discharge tank” (Claim 18, final four lines); or

“condensing a selected percentage of said fluid [recycled from a fluidized bed polymerization reactor] to obtain a liquid” and “injecting a portion of said liquid above said product withdrawal level, said portion being correlated to said percentage by a model of said process” (Claim 26, final four lines); or

“manipulating the ratio of liquid recycled to a point below said fluidized bed to that injected above said product takeoff conduit according to a model of said reactor to maintain the pressure in said discharge tank at at least one desired level throughout a product discharge ...” (Claim 32, lines 5-8); or


“manipulating the ratio of liquid recycled to the bottom of said fluidized bed to liquid injected above a point of product removal from said fluidized bed as a function of at least one pressure monitored in said discharge tanks, and intermittently venting one discharge tank to another discharge tank ...” (Claim 36, lines 4-8); or

“controlling said recycle split [of a polymerization reactor operating in condensing mode] as a function of liquid in at least one product discharge tank” (Claim 39, final two lines).

Accordingly, claims 18-39 are deemed to define allowable subject matter and are passed to issue.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."



FRED TESKIN
PRIMARY EXAMINER
1713

FMTeskin/05-20-04
(571) 272-1116